

Lin v. MetLife

07 civ. 3218

EXHIBIT D

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

JEAN LIN,

Plaintiff,

vs.

METROPOLITAN LIFE
INSURANCE COMPANY,

Defendants.

CASE NO.: 1:07-CV-03218 (RJH)

DEPOSITION OF : JUDY HUANG
 TAKEN BY : TED TRIEF, ESQUIRE
 Commencing : 12:04 P.M.
 Location : 555 S. BARRANCA AVENUE
 COVINA, CALIFORNIA 91723
 Day, Date : TUESDAY, FEBRUARY 19, 2008
 Reported by : MARGARET A. FORD, C.S.R. NO. 10530
 Pursuant to : NOTICE
 Original to : TED TRIEF, ESQUIRE

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 Job No. 109579

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WITNESS

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JUDY HUANG

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EXHIBITS

PLAINTIFF'S

MARKED FOR

EXHIBIT NO.

DESCRIPTION

IDENTIFICATION

I POLICY APPLICATION 22

INFORMATION REQUESTED

(None)

QUESTIONS NOT ANSWERED

(None)

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ALSO PRESENT: JEAN LIN

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COVINA, CALIFORNIA, TUESDAY, FEBRUARY 19, 2008
 12:04 P.M.

-000-

JUDY HUANG,

the witness herein, after having been duly sworn, was
 deposed and testified as follows:

EXAMINATION

BY MS. SHERER:

Q Good afternoon, Mrs. Huang.

A Yes.

Q My name is Ted Trief and I represent the Lin
 family. I'll be asking you some questions here this
 afternoon.

A Uh-huh.

Q If you know the question I'm going to ask you
 before I complete it, give me the opportunity to finish
 anyway, okay?

A I'm fine.

Q If you intend to answer a question yes or no,
 would you say the word yes or no as opposed to shaking
 your head?

A Okay. That's fine.

Q If you don't understand a question, please let

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1 A Yes.
 2 Q Did you have an application with you that same
 3 day you were going over the numbers?
 4 A Yes.
 5 Q Who did you ask the questions of?
 6 A What part?
 7 Q Okay. I want to show you an application which
 8 has been Bates stamped 392 through 400. Is this the
 9 application form that goes with the policy? I'm not
 10 asking you whether this is the application form that you
 11 took, yourself, but I'm asking you whether this is the
 12 application that goes with the policy?
 13 A Yes.
 14 Q What is the part that you were involved in?
 15 There seems to be two parts. Is there a part you were
 16 involved with or both parts?
 17 A Here (indicating).
 18 Q When you say here, I have to identify that. So
 19 the here is Bates stamp 394 through 400, correct?
 20 A Yes.
 21 Q And 392 to 393 was taken by somebody else,
 22 correct?
 23 A Yes.
 24 Q Both of those together, though, go with the
 25 policy?

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1 A Yes.
 2 Q Is the handwriting on 394 through 400 your
 3 handwriting?
 4 A Yes.
 5 Q And who are you asking these questions of?
 6 A What part? The first page?
 7 Q Okay. Let's go back. Where were you when you
 8 were asking these questions, in their office?
 9 A In their office.
 10 Q What is their office comprised of, how many
 11 rooms?
 12 A There was one little room, and then that door
 13 was open, there's another, like, long, behind the rooms
 14 that's open wide.
 15 Q When you were talking to Mrs. Lin, was Mr. Lin
 16 in the same room or a different room?
 17 A When? You mean asking comparing the price?
 18 Q Yes.
 19 A Mr. Lin was in the office on the outside where
 20 the --
 21 (Interruption in proceedings.)
 22 MS. SHERER: Do you want to take a break?
 23 MR. TRIEF: Sure.
 24 Q BY MR. TRIEF: Was he in the other space the
 25 entire hour that you were talking to Mrs. Lin before the

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Q BY MR. TRIEF: So it starts at -- tell me where
 tarts, 397 through 400?
 A Yeah.
 Q Okay. Did you read the questions out loud or
 I you hand them to Mr. & Mrs. Lin to read?
 A I asked them the health question, like over on
 : question over there.
 Q The questions on the form are in English,
 rect?
 A That's correct.
 Q Did you then translate them to Mandarin?
 A Not all of it.
 Q Some of it you translated to Mandarin and some
 it you didn't?
 A Because when we talk, we speak most of the time
 Mandarin, but some of the words we said -- we will
 ways say in English.
 Q I just -- I'm not trying to ask you generally
 ing the word "we," so it's very difficult. It's
 nfusing to me. Because I don't know what the "we"
 ans. The "we" can mean you generally do this. "We"
 uld be all three of you did this. "We" can mean you
 d this with Mrs. Lin alone. So I need to get more
 ecific than the word "we." Do you follow that?
 A Okay.

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1 Q In this specific application, did you from time
 2 to time translate the question into Mandarin?
 3 A No. You mean by asking the health question
 4 part or?
 5 Q Did you ask any of the health questions in
 6 Mandarin?
 7 A Some, yes.
 8 Q Did you ask those health questions in Mandarin
 9 to both Mrs. Lin and Mr. Lin or just to just one of them?
 10 A I would say -- this is an open space where they
 11 at.
 12 Q I understand.
 13 A When we ask, when I ask, I was saying some
 14 words in Mandarin, some words in English.
 15 Q How did you choose what words in Mandarin to
 16 use and what words in English to use?
 17 A If the words that I can say in Mandarin, I will
 18 say in Mandarin.
 19 Q So when you go on --
 20 A It really depends.
 21 Q When you ask some of the questions, did some of
 22 the questions have you asking it both in Mandarin and
 23 English for the same question, using Mandarin and English
 24 words in the same question?
 25 A At the same time?

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1 Q In the same question.

2 A You are saying that -- can you repeat that
3 please?

4 Q Sure. If you asked a question, from time to
5 time, did you use both Mandarin and English words in the
6 same question?

7 A Yes.

8 Q Did you ask those questions to Mrs. Lin in
9 Mandarin and English, to Mr. Lin in Mandarin and English
10 or to both?

11 A The same, both.

12 Q Did sometimes Mrs. Lin respond and sometimes
13 Mr. Lin responded for a question?

14 A Yes.

15 Q Is there anything in the application where you
16 noted it was a response from Mr. Lin or Mrs. Lin?

17 A Repeat that again, please.

18 Q At any time, did you make any notations to
19 which questions were responded to by Mrs. Lin or which
20 questions were responded to by Mr. Lin?

21 A No.

22 Q Do you have any independent memory of which
23 questions you asked of Mr. Lin and which questions you
24 asked of Mrs. Lin?

25 A No.

Page 25

1 Q Do you have any independent memory of which
2 questions were asked only in Mandarin, and which
3 questions were asked in Mandarin and English?

4 A No.

5 Q Do you ask any questions only in English?

6 A No.

7 Q After you finished asking the question, you
8 would put the response down to that question, correct?

9 A Yes.

10 Q And then at the end, after you asked all of the
11 questions, you would have Mr. Lin sign it, correct?

12 A Yes.

13 Q In addition to asking the questions yourself,
14 did you have Mr. Lin read it or did you, just you,
15 yourself, read the questions only?

16 MS. SHERER: Objection to form.

17 MR. TRIEF: I'll withdraw and rephrase it.

18 MS. SHERER: Yes.

19 Q BY MR. TRIEF: You read each and every
20 question, correct?

21 A Yes.

22 Q Did you fill out the answers after you read the
23 question and either Mr. or Mrs. Lin answered them?

24 A After? Repeat that again. I'm sorry.

25 Q Right. After you asked the question in either

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